

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
TERRY CHAPMAN,

Plaintiff,

-against-

**AMENDED**  
**VERIFIED COMPLAINT**

Index No.: 21156/2017E

Date Purchased: 02/13/2017

THE CITY OF NEW YORK, SGT MICHAEL POMERANTZ SHIELD #4481 OF THE 47 PCT., SGT CESAR GOMEZ SHIELD #477 OF THE 40 PCT., SGT ANGEL GONZALEZ SHIELD #04646 OF THE 46 PCT., DET WILLIAM SELIGSON SHIELD #03856 OF THE 46 PCT. DET SQUAD, DET FREDERICK BECKFORD SHIELD #00173 OF THE DET BOROUGH BRONX SQUAD, OTHER NYPD POLICE OFFICERS AND DETECTIVES S/H/A JOHN/JANE DOE 1-5,

Defendants.  
-----X

TERRY CHAPMAN, by his attorneys, SCHALK CIACCIO & KAHN, P.C., respectfully alleges as follows:

**AS AND FOR A FIRST CAUSE OF ACTION**

1. At all times mentioned, Plaintiff TERRY CHAPMAN was a resident of Bronx County, City and State of New York.
2. At all times mentioned, Defendant CITY OF NEW YORK, was and is a municipal corporation duly organized and existing by virtue of the laws of the State of New York.
3. On or about the 15<sup>th</sup> day of August, 2016 and within ninety (90) days after some of the claims herein arose, the Plaintiff served a Notice of Claim in writing sworn to on their behalf upon the Defendant CITY OF NEW YORK, by delivering a copy thereof in duplicate to the officer designated to receive such process personally, which Notice of Claim advised the Defendant CITY OF NEW YORK, of the nature, place, time and

manner in which the claim arose, the items of damage and injuries sustained so far as was then determinable.

4. At least thirty (30) days have elapsed since the service of the claim prior to the commencement of this action and adjustment of payment thereof has been neglected or refused, and this action has been commenced within one year and ninety (90) days after the happening of the event upon which the claims are based.
5. The Plaintiff has complied with the request of the municipal Defendant's for an oral examination pursuant to Section 50-H of the General Municipal Law and/or the Public Authorities Law.
6. Upon information and belief, at all times mentioned, Defendants, SGT MICHAEL POMERANTZ SHIELD #4481 OF THE 47 PCT., SGT CESAR GOMEZ SHIELD #477 OF THE 40 PCT., SGT ANGEL GONZALEZ SHIELD #04646 OF THE 46 PCT., DET WILLIAM SELIGSON SHIELD #03856 OF THE 46 PCT. DET SQUAD, DET FREDERICK BECKFORD SHIELD #00173 OF THE DET BOROUGH BRONX SQUAD, OTHER NYPD POLICE OFFICERS AND DETECTIVES S/H/A JOHN/JANE DOE 1-5, were and are police officers of the Defendant THE CITY OF NEW YORK, and at all times herein were acting in such capacity as the agents, servants and employees of the Defendant, THE CITY OF NEW YORK.
7. On or about June 25, 2015, at approximately 3:15 P.M. in front of 333 East 181<sup>st</sup> Street, County of Bronx, State of New York the Defendants jointly and severally in their capacity as police officers, wrongfully touched, grabbed, handcuffed and seized the Plaintiff TERRY CHAPMAN, in an excessive manner about his person, causing him physical pain and mental suffering. At no time did the Defendants have legal cause to grab, handcuff seize or touch the Plaintiff, nor did the Plaintiff consent to this illegal

touching nor was it privileged by law.

**AS AND FOR A SECOND CAUSE OF ACTION**

8. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in Paragraphs “1” through “7” with full force and effect as though set forth at length herein.
9. On or about June 25, 2015, at approximately 3:15 P.M. in the vicinity of 333 East 181<sup>st</sup> Street, County of Bronx, State of New York the Defendants, jointly and severally did place Plaintiff TERRY CHAPMAN in imminent fear of physical contact by approaching the Plaintiff with their loaded firearms, outstretched limbs and other objects which they used to physically seize, strike and restrain the Plaintiff. All of the above actions placed the Plaintiff in imminent fear of physical contact. At no time did the Plaintiff consent to the unlawful actions of the Defendants.

**AS AND FOR A THIRD CAUSE OF ACTION**

10. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in Paragraphs “1” through “9” with full force and effect as though set forth at length herein.
11. On or about June 25, 2015, at approximately 3:15 P.M. in the vicinity of 333 East 181<sup>st</sup> Street, County of Bronx, State of New York the Defendants, jointly and severally without any warrant, order or other legal process and without any legal right, wrongfully and unlawfully arrested the Plaintiff, restrained him and his liberty and then took him into custody to a police station in the County of the Bronx and there charged him with the crimes on Docket No. 2015BX029150. The Plaintiff was thereafter held in custody over the course of approximately three hundred and eight (308) days with his arrest and incarceration beginning on June 25, 2015 until he was released when his bail status was changed on April 27, 2016. The Defendants intentionally confined the Plaintiff without his consent and the confinement was not otherwise privileged by law and, at all times,



the Plaintiff was conscious of his confinement.

**AS AND FOR A FOURTH CAUSE OF ACTION**

12. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in Paragraphs “1” through “11” with full force and effect as though set forth at length herein.
13. On or about June 25, 2015, at approximately 3:15 P.M. in the vicinity of 333 East 181<sup>st</sup> Street, County of Bronx, State of New York the Defendants, jointly and severally without any valid warrant, order or other legal process and without any legal right, wrongfully and unlawfully imprisoned the Plaintiff, restrained him and his liberty and then took him into custody and causing him to be incarcerated as a detainee in the City of New York’s Correctional Facility. The Plaintiff was thereafter held in custody over the course of approximately three hundred and eight (308) days with his arrest and incarceration beginning on June 25, 2015 until he was released when his bail status was changed on April 27, 2016. The Defendants intentionally confined the Plaintiff without his consent and the confinement was not otherwise privileged by law and, at all times, the Plaintiff was conscious of his confinement.

**AS AND FOR A FIFTH CAUSE OF ACTION**

14. Plaintiff incorporates, repeats, and re-alleges all of the allegations contained in Paragraphs “1” through “13” with full force and effect as though set forth at length herein.
15. Upon information and belief, on or about June 25, 2015 and from that time until the dismissal of charges on or about May 27, 2016 which was a favorable termination for the accused by the Honorable Miriam R. Best presiding, Defendants, SGT MICHAEL POMERANTZ SHIELD #4481 OF THE 47 PCT., SGT CESAR GOMEZ SHIELD #477 OF THE 40 PCT., SGT ANGEL GONZALEZ SHIELD #04646 OF THE 46

PCT., DET WILLIAM SELIGSON SHIELD #03856 OF THE 46 PCT. DET SQUAD, DET FREDERICK BECKFORD SHIELD #00173 OF THE DET BOROUGH BRONX SQUAD, OTHER NYPD POLICE OFFICERS AND DETECTIVES S/H/A JOHN/JANE DOE 1-5, deliberately and maliciously prosecuted Plaintiff TERRY CHAPMAN, without any probable cause whatsoever, by filing or causing a criminal court complaint to be filed in the Criminal Court of the City of New York, Bronx County, for the purpose of falsely accusing the plaintiff of violations of the criminal laws of the State of New York.

16. The Defendants, jointly and severally, their agents, servants or employees failed to take reasonable steps to stop the prosecution of the Plaintiff and instead maliciously and deliberately provided false and/or incomplete information to the District Attorney's office to induce prosecution of the Plaintiff and due to the absence of probable cause malice can be inferred.
17. The commencement of these criminal proceedings under Docket No. 2015BX029150 was malicious and began in malice and without probable cause, so that the proceedings could succeed by the Defendants.
18. As a result of the malicious prosecution, Plaintiff was deprived of his liberty and suffered the humiliation, mental anguish, indignity and frustration of an unjust criminal prosecution. The Plaintiff was incarcerated for three hundred and eight (308) days , and made multiple court appearances to defend his liberty against these unjust charges.

**AS AND FOR A SIXTH CAUSE OF ACTION**

**(This Cause of action only applies against the Individually named Police Officers not the City of New York or officers sued in their official capacity)**

19. Plaintiff repeats, reiterates, and re-alleges all of the allegations contained in paragraphs

“1” through “18” as it set forth at length herein.

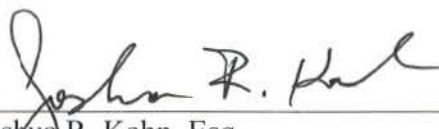
20. Defendants, SGT MICHAEL POMERANTZ SHIELD #4481 OF THE 47 PCT., SGT CESAR GOMEZ SHIELD #477 OF THE 40 PCT., SGT ANGEL GONZALEZ SHIELD #04646 OF THE 46 PCT., DET WILLIAM SELIGSON SHIELD #03856 OF THE 46 PCT. DET SQUAD, DET FREDERICK BECKFORD SHIELD #00173 OF THE DET BOROUGH BRONX SQUAD, OTHER NYPD POLICE OFFICERS AND DETECTIVES S/H/A JOHN/JANE DOE 1-5, were at all times relevant, duly appointed and acting officers of the City of New York Police Department.
21. At all times mentioned herein, said police officers were acting under color of law, to wit: the statutes, ordinances, regulations, policies and customs and usage of the State of New York and/or City of New York.
22. Plaintiff TERRY CHAPMAN is and at all times relevant herein was a citizen of the United States and a resident of Bronx County in the State of New York and brings this cause of action pursuant to 42 United States Code, Section 1983.
23. The Defendant CITY OF NEW YORK is a municipality duly incorporated under the laws of the State of New York.
24. On or about June 25 2015, the Defendants, armed police, while effectuating the seizure of the Plaintiff TERRY CHAPMAN, did search, seize, assault and commit a battery and grab the person of the Plaintiff without a court authorized arrest or search warrant. They did physically seize the person of the Plaintiff during the arrest process in an unlawful and excessive manner. The Plaintiff was falsely arrested, unlawfully imprisoned and maliciously prosecuted without the Defendants possessing probable cause to do so.
25. The above action of the Defendants resulted in the Plaintiff being deprived of the following rights under the United States Constitution:



- a. Freedom from assault to his person;
  - b. Freedom from battery to his person;
  - c. Freedom from illegal search and seizure;
  - d. Freedom from false arrest;
  - e. Freedom from malicious prosecution;
  - f. Freedom from the use of excessive force during the arrest process;
  - g. Freedom from unlawful imprisonment;
  - h. Freedom from loss of liberty.
26. The Defendants subjected the Plaintiff to such deprivations, either in a malicious or reckless disregard of the Plaintiff's rights or with deliberate indifference to those rights under the fourth and fourteenth amendments of the United States Constitution.
27. The direct and proximate result of the Defendants' acts is that the Plaintiff has suffered severe and permanent injuries of a psychological nature. He was forced to endure pain and suffering, all to his detriment.

**WHEREFORE**, Plaintiff demands judgment against the Defendants, together with the costs and disbursements of this action in the amount of damages greater than the jurisdictional limit of any lower court where otherwise have jurisdiction, together with attorneys' fees and costs for bringing this case and punitive damages.

Dated: Mineola, New York  
February 17, 2017

  
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Joshua R. Kahn, Esq.  
Schalk, Ciaccio & Kahn, P.C.  
Attorney for Plaintiff  
332 Willis Ave #2  
Mineola, NY 11501  
(516)-858-1266

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX-----X  
TERRY CHAPMAN,

Plaintiff,

-against-

THE CITY OF NEW YORK, SGT MICHAEL  
POMERANTZ SHIELD #4481 OF THE 47 PCT., SGT  
CESAR GOMEZ SHIELD #477 OF THE 40 PCT., SGT  
ANGEL GONZALEZ SHIELD #04646 OF THE 46 PCT.,  
DET WILLIAM SELIGSON SHIELD #03856 OF THE 46  
PCT. DET SQUAD, DET FREDERICK BECKFORD  
SHIELD #00173 OF THE DET BOROUGH BRONX  
SQUAD, OTHER NYPD POLICE OFFICERS AND  
DETECTIVES S/H/A JOHN/JANE DOE 1-5,Defendants.  
-----XVERIFICATION


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Date Purchased: 02/13/2017

I, **JOSHUA KAHN**, an attorney admitted to practice in the courts of New York State, state that I am a member of the firm of **SCHALK, CIACCIO & KAHN, P.C.** the attorneys of record for Plaintiff in the within action; I have read the foregoing and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by Plaintiff is because Plaintiff resides outside the county where deponent maintains his office.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: Mineola, New York  
February 17, 2017

  
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Joshua R. Kahn, Esq.  
Schalk, Ciaccio & Kahn, P.C.  
Attorney for Plaintiff  
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Mineola, NY 11501  
(516)-858-1266



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TERRY CHAPMAN,

Plaintiff,

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THE CITY OF NEW YORK, SGT MICHAEL POMERANTZ SHIELD #4481 OF THE 47 PCT., SGT CESAR GOMEZ SHIELD #477 OF THE 40 PCT., SGT ANGEL GONZALEZ SHIELD #04646 OF THE 46 PCT., DET WILLIAM SELIGSON SHIELD #03856 OF THE 46 PCT. DET SQUAD, DET FREDERICK BECKFORD SHIELD #00173 OF THE DET BOROUGH BRONX SQUAD, OTHER NYPD POLICE OFFICERS AND DETECTIVES S/H/A JOHN/JANE DOE 1-5,

Defendants.

**AMENDED SUMMONS AND VERIFIED COMPLAINT****SCHALK, CIACCIO & KAHN, P.C.**

*Attorney for Plaintiff*  
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Mineola, New York 11501  
Tel: (516) 858-1266

To: City of New York  
100 Church Street  
New York, NY 10007

Sgt. Michael Pomerantz, Shield 4481  
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047 Precinct  
4111 Laconia Avenue  
Bronx, NY 10466

Sgt. Cesar Gomez, Shield 477  
New York City Police Department  
040 Precinct  
257 Alexander Avenue  
Bronx, NY 10454

Det. William Seligson, Shield 03856  
New York City Police Department  
046 Precinct, Detective's Squad  
2120 Ryer Avenue  
Bronx, NY 10457

Sgt. Angel Gonzalez, Shield 04646  
New York City Police Department  
046 Precinct  
2120 Ryer Avenue  
Bronx, NY 10457

Det. Frederick Beckford, Shield 00173  
New York City Police Department  
Det Borough Bronx, Detective's Squad  
1086 Simpson Avenue  
Bronx, NY 10459

**Certification pursuant to 22 NYCRR 130-1.1(a)**

It is hereby certified that, to the best of the undersigned's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the paper and/or the contentions herein are not frivolous as defined in section 130-1.1(a).

2/17/2017  
Date

  
JOSHUA R. KAHN, ESQ.